THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.14560 OF 2005

DISPOSED OF ON 16-12-2005

BETWEEN:

M.YERRAIAH … PETITIONER

AND

THE UNION OF INDIA, REP. BY ITS

SECRETARY, RAILWAY BOARD,

MINISTRY OF RAILWAYS,

NEW DELHI – 1 AND OTHER … RESPONDENTS

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.14560 OF 2005

O R D E R :

1. This writ petition has been filed by M.Yerraiah with a prayer to issue a Writ of Mandamus declaring the proceedings of the 2nd respondent in letter Ref.No.G/014/P & T/Waiting Hall/T.P.T. dated 25.4.2005 and the consequent action of the respondents in trying to evict him from the telephone booth in violation of Circular Memo dated 11.3.2005 issued by the Railway Board, Ministry of Railways, New Delhi.

2. The petitioner is a licensee to run STD telephone booth situated at Tirupathi Railway Station near waiting hall. His permission has been expired on 27.4.2005. He has been put on notice of the date of expiry of license by the respondents under letter dated 10.1.2005. The letter addressed to the petitioner reads as under:

" Reference to the letter cited above wherein the STD booth contract near General Waiting Hall at Tirupati Railway Station has been renewed in your favour as a final extension upto 27.4.2005 only.

As such you are hereby advised to pay all the railway dues upto 27.4.2005 and vacate the railway premises w.e.f. 28.4.2005 certain.

Please note and acknowledge the receipt."

3. It is the case of the petitioner that he submitted an application on 11.4.2005 for renewal of the STD booth contract near General Waiting Hall at Tirupati Railway Station. Since no action has been taken on his application, he has chosen to file this Writ Petition under Article 226 of the Constitution of India.

4. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

5. Learned counsel appearing for the petitioner submits that the petitioner is a

physically handicapped person and as per the policy of the Railway Board, the license to run STD booth in favour of physically handicapped persons is to be extended upto 27.4.2007. As on this day undisputedly the license granted to the petitioner has expired on 27.4.2005. If any application has been filed by the petitioner for further extension of contract, it is for the respondents' authorities to consider his representation and pass appropriate orders.

6. In the circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 11.4.2005 and pass appropriate orders within four weeks from the date of receipt of a copy of this order. No costs.

Dt: 16-12-2005. (B.Seshasayana Reddy, J)

tnb

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